

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NATIONAL ASSOCIATION OF GOVERNMENT	:	
EMPLOYEES	:	
	:	
-PETITIONER	:	
	:	
and	:	
	:	Case No. <u>M-0508</u>
PORTSMOUTH, N.H. MUNICIPAL EMPLOYEES,	:	
AMERICAN FEDERATION OF STATE, COUNTY	:	Decision No. <u>780014</u>
AND MUNICIPAL EMPLOYEES, AFL-CIO,	:	
LOCAL 1386	:	
	:	
-INCUMBENT	:	
	:	
and	:	
	:	
CITY OF PORTSMOUTH, NEW HAMPSHIRE	:	
	:	

APPEARANCES

Representing the National Association of Government Employees:

Dana W. Pratt, Employee of City of Portsmouth
Edward J. Gildea, National Representative
James Guyett, Local Representative

Representing the American Federation of State, County, & Municipal Employees:

Brenda Semprini, Employee of the City of Portsmouth
Michael J. Cavanaugh, International Representative
William J. McDonough, Executive Director, AFSCME
Ralph W. Kinch, Vice President, Local 1386

Representing the City of Portsmouth, New Hampshire:

Calvin A. Canney, City Manager
William A. Scott, Personnel Director

BACKGROUND

On June 30, 1977, National Association of Government Employees, by its representative, James Guyett, filed a petition challenging the American Federation of State, County, and Municipal Employees, Local 1386's representation of Municipal Employees in the City of Portsmouth, New Hampshire. The petition contained sufficient signed authorization cards (in excess of 30 percent) to merit consideration.

PELRB on August 26, 1977, conducted a hearing on the matter at the Council Chambers, City Hall, Portsmouth. NAGE, AFSCME Local 1386 and the City of Portsmouth were represented and afforded an opportunity to present evidence. Timeliness of the challenge and the Board's Rules and Regulations were argued. The City's budget dates were established and submitted to the Board and agreed to be valid by all parties of interest. Post hearing briefs were allowed and submitted by the parties.

PELRB after consideration of the evidence, ruled on October 11, 1977, on the petition and set specific dates, as outlined in RSA 273-A:11(b) permitting a challenge under the statutory requirements:

RULING, October 11, 1977:

- "1. Budget submission date for the City of Portsmouth, N.H., May 15th, is a matter of record before this Board, therefore, petition submitted by NAGE is denied on the basis that it does not meet the technical requirements of the regulations.
2. PELRB rules that a petition may be resubmitted to this Board for consideration between October 18 and December 16, 1977."

On December 15, 1977, NAGE again petitioned the Board, in accordance with PELRB's October 11th ruling, and supported their petition with the required number of signed authorization cards, all signed within the 6-month period and signed cards were considered valid.

PELRB on December 16, 1977, received a letter from Ralph W. Kinch, President of Local 1386, AFSCME, enclosing signature cards dated in August and October of 1977; signature cards read, as follows:

"I, _____ hereby ask that my name be stricken from the petition or authorization card of any labor organization purporting to represent Portsmouth Public Employees other than Local #1386, AFSCME/AFL-CIO.

Dated _____ Signed _____"

Sufficient revocation cards were submitted to invalidate the original cards which accompanied the NAGE petition filed on December 15, 1977, and the 30 percent requirement under the statute could not be supported.

FINDING OF FACTS

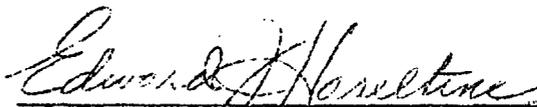
Section 1.2(c) of the Board's Rules and Regulations reads in part, as follows:

"If an employee has signed more than one petition card and has signed a statement repudiating a previously signed petition card, the Board will recognize the last-dated card or statement."

BOARD DECISION AND ORDER

The petition of NAGE, as submitted on December 15, 1977, is denied. The supporting evidence and requirements for the conduct of a challenged election do not exist.

Signed April 5, 1978


EDWARD J. HASELTINE, CHAIRMAN

Unanimous vote of the Board: Chairman Haseltine, Members Allman and Moriarty.